

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

J.C.D., INC. t/a J.L. TERREL'S,)	
)	
and)	
)	
TERREL'S PRO FINISHES, INC.)	Civil Action No. 02 -CV-2645
)	
Plaintiffs)	
)	
v.)	
)	
SHERWIN-WILLIAMS AUTOMOTIVE)	
FINISHES CORP.,)	
)	
Defendant.)	

ORDER

AND NOW, this _____ day of October, 2002, upon consideration of the Motion for Admission of Counsel *Pro Hac Vice*, **IT IS ORDERED** that James M. Jones, Esquire, is admitted to the United States District Court for the Eastern District of Pennsylvania *Pro Hac Vice* and permitted to appear and participate on behalf of defendant, Sherwin-Williams Automotive Finishes Corp., in this action pursuant to the provisions of Local Rule of Civil Procedure 83.5.2.

BY THE COURT:

R. BARCLAY SURRECK, U.S.D.J.

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SHERWIN-WILLIAMS AUTOMOTIVE)	
FINISHES CORP.,)	
)	
Defendant.)	

NOTICE OF MOTION FOR ADMISSION PRO HAC VICE

PLEASE TAKE NOTICE THAT Defendant, Sherwin-Williams Automotive Finishes Corp. ("Sherwin-Williams"), will move this Court, on _____, October _____, 2002 or at a time and date to be set by the Court, for an Order pursuant to Rule 7(b) of the Federal Rules of Civil Procedure and Rule 83.5.2 of the Local Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania, admitting James M. Jones, Esquire, *pro hac vice*, to participate as co-counsel for Sherwin-Williams in this matter. This motion is based upon the Sponsoring Affirmation of Joshua A. Gelman, Esquire, and the Affidavit of James M. Jones, Esquire.

LAVIN, COLEMAN, O'NEIL, RICCI, FINARELLI & GRAY

DATE: October____, 2002

By: _____
JOHN J. O'DONNELL, ESQUIRE
JOSHUA A. GELMAN, ESQUIRE
Attorneys for Defendant,
Sherwin-Williams Automotive Finishes Corp.

TO: John G. Bravacos, Esq.
PALMA SEGAL & SBARBARO, LLC
The Historic Samuel Barber House
107 South Church Street
West Chester, PA 19382-3252

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Defendant.)	

MOTION FOR ADMISSION PRO HAC VICE

This Defendant, Sherwin-Williams Automotive Finishes Corp. ("Sherwin-Williams"), by its counsel of record, Joshua A. Gelman, Esquire, of the firm, Lavin, Coleman, O'Neil, Ricci, Finarelli & Gray, moves this Honorable Court for the grant of an Order allowing James M. Jones, Esquire, to appear and participate in this case as counsel for Sherwin-Williams *pro hac vice* and in support of this Motion he avers as follows:

1. I am a member in good standing of the Bars of the Supreme Court of Pennsylvania and the United States District Court for the Eastern District of Pennsylvania.
2. My firm has been retained by defendant, Sherwin-Williams, to represent it in this matter, in conjunction with James M. Jones, Esquire, and the law firm of Jones, Day, Reavis & Pogue in Pittsburgh, Pennsylvania.
3. As is more fully set forth in the Affidavit of James M. Jones, Esquire, attached hereto as Exhibit "A", Mr. Jones has been a member of the Bar of the State of Ohio since 1986 and the

Commonwealth of Pennsylvania since 1998, and the District Court for the Western District of Pennsylvania since 1998.

4. Mr. Jones has never been the subject of any disciplinary action or complaint concerning his practice of law and is a member in good standing in each Bar of which he is a member.

5. The admission *pro hac vice* of Mr. Jones will further promote the just, speedy, efficient and fair determination of this matter. Mr. Jones has a long-standing and significant relationship with Sherwin-Williams and, in particular, has considerable experience with the broad and complex litigation of which this matter is a part; so, Sherwin-Williams asks that Mr. Jones participate in its defense here, due to the complexity and nature of the claims which are at issue.

6. It is requested that Mr. Jones be admitted *pro hac vice* to participate in the conduct of any discovery, trial or any pre-trial or post-trial proceedings.

7. Mr. Jones is familiar with the Local Rules of the United States District Court for the Eastern District of Pennsylvania and he will, while representing Sherwin-Williams in this action, abide by and comply with these Rules.

8. John J. O'Donnell, Esquire and Joshua A. Gelman, Esquire, will continued to participate in this matter in accordance with Local Rule 83.5.2 and consent to Mr. Jones designation as the attorney with whom the Court and opposing counsel may readily communicate regarding the conduct of the case and upon whom papers shall be served.

WHEREFORE, it is respectfully submitted that James M. Jones, Esquire, be admitted to the United States District Court for the Eastern District of Pennsylvania *Pro Hac Vice* and be permitted to appear and participate on behalf of defendant, Sherwin-Williams Automotive Finishes Corp., in this action pursuant to the provisions of Local Rule of Civil Procedure 83.5.2.

Respectfully submitted,

LAVIN, COLEMAN, O'NEIL, RICCI, FINARELLI & GRAY

DATE: October __, 2002

By: _____
JOHN J. O'DONNELL, ESQUIRE
JOSHUA A. GELMAN, ESQUIRE
Attorneys for Defendant,
Sherwin-Williams Automotive Finishes Corp.

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MEMORANDUM OF LAW IN SUPPORT OF THE MOTION TO ADMIT PRO HAC VICE

Federal Local Rule of Civil Procedure 83.5.2 states as follows:

An attorney who is not a member of the bar of this Court shall not actively participate in the conduct of any trial or any pre-trial or post-trial proceeding before this Court, unless, upon application, leave to do so shall have been granted.

Although former Federal Local Rule Civil Procedure 11, which provided that the criteria for admission *pro hac vice* in this district was the same as the criteria set forth in subchapter C of the Pennsylvania Bar Admissions Rules (e.g. Pennsylvania Bar Admission Rule 301(a)), is no longer in effect, the practice of *pro hac vice* admission is clearly sanctioned by the Local Rules of this Court. See e.g., Local Rule 83.5.2 Associate Counsel; Bankruptcy Rule L.D.R. 9010.4(b) Admission to Practice.

In the instant case, Mr. Jones, as more fully set forth in his Affidavit, is an attorney who is qualified to practice in the courts of the Commonwealth of Pennsylvania, the District Court for the Western District of Pennsylvania and the Supreme Court of Ohio. He is a member in good standing in every jurisdiction where he has been admitted to practice and there are no disciplinary proceedings

pending against him in any jurisdiction. Mr. Jones is familiar with the Federal Local Rules of Civil Procedure. If admitted to practice *pro hac vice*, movant, Joshua A. Gelman, Esquire, a member in good standing of the Bar of the Supreme Court of Pennsylvania, and of the bar of this Court, will serve as co-counsel and attorney of record. In addition, defendant, Sherwin-Williams wishes to have Mr. Jones represent it in this matter because of his prior experience with defense of Sherwin-Williams.

Under these circumstances, Mr. Jones is a qualified applicant for admission *pro hac vice* for purposes of this litigation only.

Accordingly, defendant, Sherwin-Williams Automotive Finishes Corp., by and through its counsel, Joshua A. Gelman, Esquire, a member of the Bar of this Court, respectfully requests that this Court grant the *pro hac vice* admission of Mr. Jones for the limited purposes of appearing *pro hac vice* in the above-captioned litigation.

Respectfully submitted,

LAVIN, COLEMAN, O'NEIL, RICCI, FINARELLI & GRAY

DATE: October __, 2002

By: _____
JOHN J. O'DONNELL, ESQUIRE
JOSHUA A. GELMAN, ESQUIRE
Attorneys for Defendant,
Sherwin-Williams Automotive Finishes Corp.

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COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEHENY)

JAMES M. JONES, being duly sworn, deposes and says:

1. I am a Partner with the firm of Jones, Day, Reavis & Pogue with my primary office located at 500 Grant Street, 31st Floor, Pittsburgh, Pennsylvania, 15219.

2. I obtained my Bachelor of Arts from Miami University in 1983.

4. I obtained my Juris Doctor degree from the Ohio State University in 1986 and presently concentrate my practice in the area of complex commercial litigation, employment litigation and product liability.

5. I have a long-standing and significant relationship with Sherwin-Williams Automotive Finishes Corp. and, in particular, have considerable experience with the broad and complex litigation of which this matter is a part

5. I am a member in good standing of the Bars of the State of Ohio, having been admitted in 1986, and of the Commonwealth of Pennsylvania, having been admitted in 1998.

6. I am also a member in good standing of the United States District Court for the Western District of Pennsylvania, having been admitted since 1998.

7. I have never been held in contempt of court, censured in a disciplinary proceeding, suspended or disbarred by any court, admonished by any disciplinary committee of the organized bar or am the subject of any pending complaint before any court.

8. I am familiar with the civil procedure referred to in the Local Rules of Civil Procedure for the United States District Court for the Eastern District of Pennsylvania, Rule 83.5.2.

9. I agree to adhere faithfully to the Model Rules of Professional Conduct of the American Bar Association as adopted by the Pennsylvania Bar Association.

10. Further, affiant sayeth not.

JAMES M. JONES

SWORN TO AND SUBSCRIBED

before me this _____ day of
_____, 2002

NOTARY PUBLIC

My Commission Expires:

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion for Admission *Pro Hac Vice* of James M. Jones, Esquire, was served this 11th day of October, 2002, via First Class U.S. Mail, upon counsel of record for plaintiffs, as follows:

John G. Bravacos, Esquire
PALMA, SEGAL & SBARBARO, LLC
The Historic Samuel Barber House
107 South Church Street
West Chester, PA 19382-3252

LAVIN, COLEMAN, O'NEIL, RICCI, FINARELLI & GRAY

By: _____
JOHN J. O'DONNELL, ESQUIRE
JOSHUA A. GELMAN, ESQUIRE
Attorneys for Defendant,
Sherwin-Williams Automotive Finishes Corp.